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Date: MARCH 15, 2005

To: EXAMINER CHERY, M.
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (703) 746-7238

From: FRANK C. NICHOLAS
Phone #: (847) 424-2521

Client/Matter No.: AUS920010132US1 (9000/29)

of Pages: 9

(including cover sheet)

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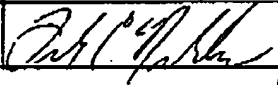

PTO/CDO (12-07), Approves to use through 06/30/05. See 9551-0201. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
under the Patent Reduction Act of 1992, fee payments are required to respond to a communication of an examiner where it displays a main claim number

| | | |
|---|----------------------|---------------------------|
| <h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p> | Attorney Docket No. | AUS920010132US1 (9000/29) |
| | Application Number | 09/903,721 |
| | Filing Date | JULY 12, 2001 |
| | First Named Inventor | PATRICK J. BÖHRER |
| | Group Art Unit | 2188 |
| | Examiner | CHERY, M. |

| ENCLOSURES (check all that apply) | | |
|---|---|---|
| <input checked="" type="checkbox"/> Supplemental Response to Office Action Dated February 3, 2005 <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | <input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/68) and Accompanying Petition <input type="checkbox"/> Petition Under MPEP 711.03(c)(1) <input type="checkbox"/> Applicant Initiated Interview Request Form <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Express Abandonment Under 37 CFR 1.138 <input type="checkbox"/> Request of Refund | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed. | | |
| <input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed. | | |

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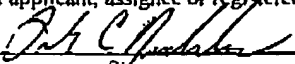
| | | | | Small Entity | | or | Large Entity | |
|---|------------------------|-------|---------------------------------|---------------|-----------------|-----------|-----------------|-----------|
| | Claims After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | Rate | Add'l Fee |
| Total | | Minus | | 0 | x \$25= | 0 | x \$50= | |
| Indep | | Minus | | 0 | x \$100= | 0 | x \$200= | |
| First Presentation of Multiple Dep. Claim | | | | | + \$180= | — | + \$360= | |
| | | | | | total add'l fee | | total add'l fee | |
| | | | | | \$ 0 | | \$ 0 | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|---|---|------|----------------|
| Firm or Individual name | FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201 | | |
| Signature |  | Date | March 15, 2005 |
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PATENT
Case No.: AUS920010132US1
(9000/29)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------------------|---|----------------------|
| In re patent application of: |) | |
| |) | |
| PATRICK J. BOHRER, ET AL. |) | Examiner: CHERY, M. |
| |) | |
| Serial No.: 09/903,721 |) | Group Art Unit: 2188 |
| |) | |
| Filed: JULY 12, 2001 |) | |
| |) | |
| Title: DATA STORAGE ON A MULTI-TIERED |) | |
| DISK SYSTEM |) | |

SUPPLEMENTAL RESPONSE TO OFFICE ACTION
DATED FEBRUARY 3, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the office action dated February 3, 2005, please enter the following remarks.